

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**RAY BROWN AND ASSOCIATES, INC.,
a Nebraska Corporation,**

Plaintiff,

v.

**HOT SPRINGS SENIOR PROPERTIES,
LLC, a South Dakota Limited Liability
Company,**

**Defendant, Counterclaimant
and Third-Party Plaintiff,**

v.

**RAY BROWN, RICHARD J. STACY,
MILLER & ASSOCIATES CONSULTING
ENGINEERS, P.C., a Nebraska
Professional Corporation, RICHARD M.
NOEL, and NOEL ENGINEERING, INC., a
Nebraska Corporation,**

Third-Party Defendants.

CASE NO. 8:07CV159

ORDER

This matter is before the Court on the “Motion for Continuance to Respond to Motion for Summary Judgment” (Filing No. 90) through which Defendant, Counterclaimant and Third-Party Plaintiff, Hot Springs Senior Properties, L.L.C. (“Hot Springs”), seeks an extension of time until March 28, 2008, to respond to the Motion for Summary Judgment (Filing No. 82) filed on December 6, 2007, by Third-Party Defendants Richard M. Noel and Noel Engineering, Inc. (the “Noels”). Hot Springs asserts that there are genuine issues of material fact with respect to the Noels’ statute-of-limitations defense that should preclude this Court from entering summary judgment in their favor, and requests an additional 90-day period to “assist counsel for Hot Springs in discovering and documenting Mr. Noel’s

work on the project occurring after June 1, 2005 . . . [to] . . . provide for a more fully informed and complete response” to the motion for summary judgment. (Hot Springs’ brief in support of its motion for extension of time, Filing No. 91, p.4).

Discovery in this case commenced on August 23, 2007, and Hot Springs has taken the deposition of Richard M. Noel and obtained documentary evidence concerning the Noels’ participation in the events giving rise to the panoply of claims in this action. (Filing No. 92, Index of Evidence in support of Hot Springs’ motion for extension of time). Hot Springs does not specify what further discovery is necessary to enable it to respond to the pending motion. Accordingly, Hot Springs’ motion will be denied. However, its alternate request for a grace period of fourteen days from the date of this Order to respond to the Motion for Summary Judgment will be granted.

IT IS ORDERED:

1. The Motion for Continuance to Respond to Motion for Summary Judgment submitted by Defendant, Counterclaimant and Third-Party Plaintiff, Hot Springs Senior Properties, L.L.C., (Filing No. 90) is denied; and
2. Defendant, Counterclaimant, and Third-Party Plaintiff, Hot Springs Senior Properties, L.L.C., shall respond to the Motion for Summary Judgment of Third-Party Defendants Richard M. Noel and Noel Engineering, Inc. (Filing No. 82), on or before January 11, 2008.

DATED this 28th day of December, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge